

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

State of Minnesota,
by Michael Campion, its
Commissioner of Public Safety,

File No. 08-CV-603 (DWF/AJB)

Plaintiff,

v.

CMI of Kentucky, Inc.,
a Kentucky corporation,

Defendant,

and

Robert J. Bergstrom, Craig A. Zenobian,
Shane M. Steffensen, and Christopher D.
Jacobsen,

Plaintiff-Intervenors.

**DEFENDANT'S MOTION TO
DISMISS THE COMPLAINT IN
INTERVENTION OF PLAINTIFF-
INTERVENOR CHRISTOPHER D.
JACOBSEN**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant CMI of Kentucky, Inc. respectfully moves for the dismissal of the Complaint in Intervention of Plaintiff-Intervenor Christopher D. Jacobsen for failure to state a claim upon which relief may be granted. This motion is based upon the file, record, pleadings in the case, arguments of counsel, and the memoranda of law and affidavits to be filed in the ordinary course.

Respectfully Submitted,

Dated: November 26, 2008

WINTHROP & WEINSTINE, P.A.

s/William A. McNab

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